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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,876	04/16/2001	Mark Vange	CIRC020	5569
25235	7590	12/02/2005	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEENTH ST DENVER, CO 80202			ISMAIL, SHAWKI SAIF	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/835,876

Applicant(s)

VANGE ET AL.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **RESPONSE TO AMENDMENT**

1. This communication is in response to the communications received on June 2, 2005 and September 8, 2005. Claims 1 and 9 have been amended. Non-elected claims 19-31 have been withdrawn from further consideration. Claims 1-18 are pending.

## **The New Grounds of Rejection**

2. Applicant's amendment and arguments with respect to claims 1-18 filed June 2, 2005 have been fully considered but they are deemed moot in view of the new grounds of rejection.

## **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Curry et al.**, (Curry) U.S. Patent No. **6,078,582** and in view of **Kay** U.S. Patent No. **6,272,492**.

5. As to claim 1, Curry teaches a method for implementing functionality within a network on behalf of first and second computers communicating with each other through the network, the method comprising the acts of:

providing a front-end computer within the network having an interface for communicating data traffic with the first computer (col. 4, lines 16-17);

providing a back-end computer within the network having an interface for communicating data traffic with the second computer (col. 4, lines 19-22);

providing a communication channel coupling the front-end computer and the back-end computer (col. 4, lines 24-30); and

encoding data traffic over the communication channel in a first process in the front-end computer (col. 4, lines 13-38);

encoding data traffic over the communication channel in a second process in the back-end computer, wherein the first process and the second process implement compatible semantics (col. 4, lines 13-38).

Curry does not explicitly teach wherein the front-end and the back-end computers implement web server.

Kay teaches a system and method that relates to a front-end proxy server for Internet web servers in which functional enhancements may be added that require no modification or replacement of the content-storing servers and is transparent to web browser software.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Kay into Curry in order to increase

accessibility. Web servers are computers that manage and share web based applications accessible anytime from any computer connected to the Internet.

6. As to claim 2, Curry teaches the method of claim 1 wherein the processes implemented in the front-end and back-end computer are characterized in that they operate above an OSI-model network layer (col. 9, lines 47-60).

7. As to claim 3, Curry teaches the method of claim 1 wherein the processes implemented in the front-end and back-end computer operate at a user-level (col. 4, lines 13-38).

8. As to claim 4, Curry teaches the method of claim 1 wherein the act of encoding comprises: communicating quality of service information about the communication channel between the front-end and back-end computers (col. 13, lines 3-7).

9. As to claim 5, Curry teaches the method of claim 1 wherein the act of encoding comprises: communicating time-base synchronization information between the front-end computer and the back-end computer (col. 4, lines 43-50).

10. As to claim 6, Curry teaches the method of claim 1 wherein the act of encoding comprises compression/decompression processes (col. 2, lines 29-43).

11. As to claim 8, Curry teaches the method of claim 1 wherein the act of encoding comprises forward error correction processes (col. 10, lines 66-67).

12. As to claim 9, Curry teaches a system for transporting data through a network comprising:

a plurality of client applications generating requests for network services (col. 5, lines 11-32);

a plurality of network servers configured to provide services in response to received requests (col. 5, lines 11-32);

a front-end server within the network having a first interface configured to handle request/response traffic with the client applications (col. 4, lines 16-17);

a back-end server within the network having a first interface configured to handle request/response traffic with a selected set of network servers (col. 4, lines 19-22);

a communication channel through the network between the front-end web server and the back-end web server (col. 4, lines 24-30).

Curry does not explicitly teach wherein the front-end and the back-end computers implement web server.

Kay teaches a system and method that relates to a front-end proxy server for Internet web servers in which functional enhancements may be added that require no modification or replacement of the content-storing servers and is transparent to web browser software (see abstract)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Kay into Curry in order to increase accessibility. Web servers are computers that manage and share web based applications accessible anytime from any computer connected to the Internet.

13. As to claim 10, Curry teaches the system of claim 9 wherein the front-end server and back-end server are time synchronized and the back-end server comprises means

for ascertaining when a request/response was issued by the front-end server (col. 4, lines 43-50).

14. As to claim 11, Curry teaches the system of claim 9 wherein the front-end server and back-end server are time synchronized and the front-end server comprises means for ascertaining when a request/response was issued by the back-end server (col. 4, lines 43-50).

15. As to claim 12, Curry teaches the system of claim 9 wherein the front-end server and back-end server include compression mechanisms for compressing traffic transported across the communication channel (col. 16, lines 34-42).

As to claim 14, Curry teaches the system of claim 9 wherein the front-end server and back-end server include forward error correcting mechanisms for error correcting traffic transported across the communication channel (col. 10, lines 66-67).

16. As to claim 15, Curry teaches a system for transporting data through a network comprising:

- a plurality of network-connected applications generating requests for network services (col. 5, lines 11-32);

- a plurality of network-connected computers configured to provide services in response to received requests (col. 5, lines 11-32);

- a plurality of front-end computers each having at least one interface configured to handle request/response traffic with the network-connected applications (col. 4, lines 16-17);

a plurality of back-end computers each having at least one interface configured to handle request/response traffic with a selected set of the network-connected computers (col. 4, lines 19-22); and

a many-to-many communication channel through the network between the front-end computers and the back-end computers (col. 4, lines 24-30).

Curry does not explicitly teach wherein the front-end and the back-end computers implement web server.

Kay teaches a system and method that relates to a front-end proxy server for Internet web servers in which functional enhancements may be added that require no modification or replacement of the content-storing servers and is transparent to web browser software (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Kay into Curry in order to increase accessibility. Web servers are computers that manage and share web based applications accessible anytime from any computer connected to the Internet.

17. As to claim 16, Curry teaches the system of claim 15 wherein the many-to-many communication channel is dynamically re-configurable (col. 13, lines 10-15).

18. As to claim 17, Curry teaches a system for transporting data through a network comprising:

a plurality of client applications generating requests for network services; a plurality of network servers configured to provide services in response to received requests (col. 5, lines 11-32);



a front-end server having at least one interface configured to handle request/response traffic with the client applications (col. 5, lines 11-32);

a plurality of back-end servers each having at least one interface configured to handle request/response traffic with a selected set of network servers (col. 4, lines 16-17); and

a one-to-many communication channel through the network between the front-end server and the back-end servers (col. 4, lines 24-30).

Curry does not explicitly teach wherein the front-end and the back-end computers implement web server.

Kay teaches a system and method that relates to a front-end proxy server for Internet web servers in which functional enhancements may be added that require no modification or replacement of the content-storing servers and is transparent to web browser software (see abstract)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Kay into Curry in order to increase accessibility. Web servers are computers that manage and share web based applications accessible anytime from any computer connected to the Internet.

19. As to claim 18, Curry teaches a system for transporting data through a network comprising:

a plurality of client applications generating requests for network services (col. 5, lines 11-32);

a plurality of network servers configured to provide services in response to received requests (col. 5, lines 11-32);

a front-end server having at least one interface configured to handle request/response traffic with the client applications (col. 4, lines 16-17);

a one-to-many communication channel through the network between the front-end server and the network servers (col. 4, lines 24-30).

Curry does not explicitly teach wherein the front-end and the network server implement web server.

Kay teaches a system and method that relates to a front-end proxy server for Internet web servers in which functional enhancements may be added that require no modification or replacement of the content-storing servers and is transparent to web browser software.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Kay into Curry in order to increase accessibility. Web servers are computers that manage and share web based applications accessible anytime from any computer connected to the Internet.

20. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Curry et al., (Curry)** U.S. Patent No. **6,078,582** and in view of **Aziz et al., (Aziz)** U.S. Patent No. **5,548,646**.

21. As to claims 7 and 13, Curry teaches the enclosed invention as disclosed above. Curry does not explicitly teach wherein the front-end and the back-end servers include

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encryption mechanism for encrypting traffic transported across the communication channel.

Aziz teaches system and method for automatically encrypting and decrypting data packets between sites on the Internet or other networks of computer networks (col. 2, lines 27-45).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate Aziz's encrypting/decrypting techniques into the invention of Curry in order to make the system more secure and safer. With the use of encrypting/decrypting techniques users are able to transmit sensitive information via the Internet and the information be secured from uninvited eyes as it traverses the internetwork (col. 1, lines 13-21).

### **Response to Arguments**

22. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office Action.

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
November 26, 2005



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